



*IFW*

Atty. Dkt. No 041194-0104

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Birgit C. HOFMANN  
Title: NEW GUINEA IMPATIENS PLANT NAMED  
'FISUPNIC FLAME'  
Appl. No.: 10/829,218  
Filing Date: April 22, 2004  
Examiner: Wendy C. HAAS  
Art Unit: 1661

**PETITION UNDER 37 C.F.R. § 3.81(b)**

**MAIL STOP: PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Applicant, through the undersigned attorney, hereby petitions the Commissioner to issue the allowed above-captioned application to the Assignee:

**FLORFIS AG, BINNINGEN, SWITZERLAND**

2. Applicant paid the Issue Fee and Publication Fee for this application on May 20, 2005. A copy of the date-stamped filing receipt evidencing filing of same is attached herewith. Applicant incorrectly listed the Assignee location on the Form PTOL-85 as SWEDEN rather than SWITZERLAND.

3. A copy of the Request for Correction of Recorded Assignment filed May 26, 2005, is attached herewith, together with a copy of the Form PTO-1595 and the Assignment originally filed on April 22, 2004. The Notice of Recordation of Assignment Document indicates that the Assignment was recorded on April 22, 2004, at Reel 015261, Frame 0923.

Void date: 05/31/2005 SZEWDIE1  
05/31/2005 SZEWDIE1 00000037 10829218  
01 FC:1051 --130.00 OP

05/31/2005 SZEWDIE1 00000038 10829218  
002.1401865.1  
01 FC:1464 130.00 OP

3. Under 37 C.F.R. § 1.17(i), a check for the statutory filing fee of \$130.00 is attached.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Date May 27 2005

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

Respectfully submitted,

*Michael M. Ansh*  
By Reg No. 34,717

*for* Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792



FOLEY & LARDNER LLP  
ATTORNEYS AT LAW

43

IN THE US PATENT AND TRADEMARK OFFICE

Receipt is hereby acknowledged of the following:

Applicant: Birgit C. HOFMANN      Docket No. 041194-0104  
Serial No.: 10/829,218      Filing Date: April 22, 2004  
Examiner: Wendy C. HAAS      Art Unit: 1661  
For: NEW GUINEA IMPATIENS PLANT NAMED 'FISUPNIC FLAME'

Submission:

1. Issue and Publication Fees Transmittal (1 pg.); and
2. Form PTOL-85(B) (1 pg.) with Check No. 43309 for \$1,400.00

File in Mailroom

Date Filed: May 20, 2005  
Due Date: May 24, 2005

Return To: RCP/nan

Inspected by: CBell





FOLEY & LARDNER LLP  
ATTORNEYS AT LAW  
WASHINGTON HARBOUR  
3000 K STREET, N.W., SUITE 500  
WASHINGTON, D.C. 20007-5143  
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WWW.FOLEY.COM

## FACSIMILE TRANSMISSION

Total # of Pages : 8 (including this page)

TO:	PHONE #:	FAX #:
Assignment Division, U.S.P.T.O. Attn: Dorothy Riley, Paralegal Specialist	703-308-9723	703-308-7124

From : Nicole A. Nowak for Richard C. Peet

Date : May 27, 2005

Client/Matter No : 041194-0104

User ID No : 0592

### MESSAGE:

Applicant: **Brigit C. HOFMANN**  
Title: **New Guinea Impatiens Plant Named 'FISUPNIC FLAME'**  
Appl. No.: **10/829,218**  
Filing Date: **04/22/2004** Art Unit: **1661**

Attached please find Applicant's Second Request for Correction of Recorded Assignment (2 pgs.), together with a marked-up copy of the Corrected Notice of Recordation of Assignment dated April 25, 2005 (2 pgs.). Also, attached is a copy of the April 22, 2004 filing (PTO Form 1595 (1pg) and Assignment (2 pgs).

The error on the attached Corrected Notice of Recordation of Assignment Document is caused by PTO error; therefore, no fee is required nor is a new coversheet. **Therefore, Applicant respectfully requests that a Corrected Notice of Recordation of Assignment Document be issued as soon as possible, and that the PTO maintain the recordation date as April 22, 2004.**

### CERTIFICATION

I hereby certify that the above-listed documents are transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

5/27/05  
Date

Nicole A Nowak  
Nicole A. Nowak

If there are any problems with this transmission or if you have not received all of the pages, please call .

Operator:	Time Sent:	Return Original To: <b>Nicole A. Nowak</b>
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CONFIDENTIALITY NOTICE: THE INFORMATION CONTAINED IN THIS FACSIMILE MESSAGE IS INTENDED ONLY FOR THE PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENTS NAMED ABOVE. THIS MESSAGE MAY BE AN ATTORNEY-CLIENT COMMUNICATION, AND AS SUCH IS PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT OR ANY AGENT RESPONSIBLE FOR DELIVERING IT TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISSEMINATION, DISTRIBUTION OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

102.1401859.1



Atty. Dkt. No. 041194-0104

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Birgit C. HOFMANN  
Title: NEW GUINEA IMPATIENS PLANT NAMED  
'FISUPNIC FLAME'  
Appl. No.: 10/829,218  
Filing Date: April 22, 2004  
Examiner: Wendy C. HAAS  
Art Unit: 1661

**SECOND REQUEST FOR CORRECTION OF RECORDED ASSIGNMENT**

**MAIL STOP – ASSIGNMENT DIVISION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Attached is a copy of the CORRECTED NOTICE OF RECORDATION OF  
ASSIGNMENT DOCUMENT dated April 25, 2005, received from the U.S. Patent and  
Trademark Office in the above-referenced application. Also, attached are a copy of Form PTO  
1595 and a copy of the Assignment recorded on April 22, 2004, at Reel 015261, Frame 0923.

There is an error in the listing of the Assignee information. Kindly make the following  
correction:

**ASSIGNEE:** Please replace [SWEDEN] with SWITZERLAND. The corrected

Assignee information should read:

FLORFIS AG  
PARKSTRASSE 33  
4102 BINNINGEN, SWITZERLAND

Verification for the requested correction is on the Form PTO-1595 and Assignment as originally filed April 22, 2004.

Applicant respectfully requests that a Corrected Notice of Recordation of Assignment Document be issued as soon as possible, and that the original recordation date of April 22, 2004, be maintained.

No fee is due since the requested correction is not due to any error by Applicant.

Date May 27, 2005

FOLEY & LARDNER, LLP  
Customer Number: 22428  
Telephone: (202) 672-5483  
Facsimile: (202) 672-5399

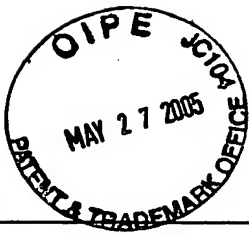
Respectfully submitted,

By

Richard C. Peet  
Reg No. 34,717



Richard C. Peet  
Attorney for Applicant  
Registration No. 35,792



**CORRECTED  
NOTICE**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

APRIL 25, 2005

PTAS

FOLEY & LARDNER LLP  
RICHARD C. PEET  
3000 K STREET, N.W., SUITE 500  
WASHINGTON HARBOUR  
WASHINGTON, D.C. 20007-5143

**UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, MAIL STOP: ASSIGNMENT SERVICES DIVISION, P.O. BOX 1450, ALEXANDRIA, VA 22314.

RECORDATION DATE: 04/22/2004 ✓

REEL/FRAME: 015261/0923 ✓  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
DOCKET NUMBER: 041194-0104

**ASSIGNOR:**

HOFMANN, BIRGIT CHRISTA ✓

DOC DATE: 04/07/2004 ✓

**ASSIGNEE:**

FLORFIS AG  
PARKSTRASSE 33  
4102 BINNINGEN, [SWEDEN] SWITZERLAND

SERIAL NUMBER: 10829218 ✓

FILING DATE: 04/22/2004 ✓

PATENT NUMBER:

ISSUE DATE:

TITLE: NEW GUINEA IMPATIENS PLANT NAMED 'FISUPNIC FLAME' ✓

015261/0923 PAGE 2

DOROTHY WILLIAMS, PARALEGAL  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS



01-29-2004

Aux. Dkt. No. 041194-0104

REC

SHEET

U.S. DEPARTMENT OF COMMERCE

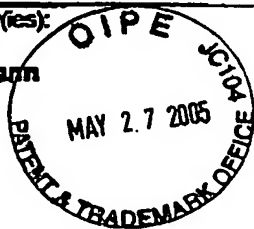
Patent and Trademark Office

102732813

To the Director of the United States Patent and Trademark Office: Please record the attached original documents or copies thereof.

1. Name of conveying party(ies):

Birgit Christa Hofmann



2. Name and address of receiving party(ies):

 Floris AG  
 Parkstrasse 33  
 4102 Binningen  
 Switzerland

 17858 U.S. PTO  
 10/829218

Additional conveying party(ies)

NO

3. Nature of conveyance:

ASSIGNMENT

Execution Date:

4/7/04

Additional name(s) &amp; address(es) attached?

NO

4. Application number(s) or patent number(s):

10829218

If this is being filed together with a new application, the execution date of the application is:

4/7/04

A. Patent Application Number(s):

B. Patent Number(s):

Additional numbers attached? NO

5. Name and address of party to whom correspondence concerning document should be mailed:

 Richard C. Peet  
 FOLEY & LARDNER LLP  
 Washington Harbour  
 3000 K Street, N.W., Suite 500  
 Washington, D.C. 20007-5143

6. Total number of applications/patents involved:

1

7. Total fee (37 C.F.R. § 3.41):

\$40.00

☒ Check Enclosed

Charge to deposit account

8. Deposit account number:

19-0741

DO NOT USE THIS SPACE

9. Statement and signature:

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. The Commissioner is hereby authorized to charge any additional recordation fees which may be required in this matter to the above-identified deposit account.

Richard C. Peet

4/22/04

Name of person signing

Signature

Date

Total number of pages including cover sheet, attachments, and document 3

BEST AVAILABLE COPY

# ASSIGNMENT

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, each undersigned inventor (hereinafter referred to as "ASSIGNOR") has sold, assigned, and transferred, and by these presents hereby sells, assigns, and transfers, unto

Florin AG  
Parkstrasse 33  
4102 Birmingen  
Switzerland

(hereinafter ASSIGNEE) its successors and assigns, the full and exclusive right, title and interest for the United States, its territories and possessions in and to this invention relating to

## NEW GUINEA IMPATIENS PLANT NAMED 'TISUPNIC FLAME'

as set forth in this United States Patent Application

Check  
one

☒ executed concurrently herewith  
☐ executed on \_\_\_\_\_  
☐ Serial No. \_\_\_\_\_

Filed \_\_\_\_\_

and

as well as in and to (a) all improvements and modifications of the above-identified invention or inventions, (b) the above-identified application and all other applications for Letters Patent of the United States for above-identified invention or inventions and all improvements and modifications thereof, (c) all Letters Patent which may issue from said applications in the United States and countries foreign thereto, (d) all divisions, continuations, reissues, and extensions of said applications and Letters Patent, and (e) the right to claim for any of said applications the full benefits and priority rights under the International Convention and any other international agreement to which the United States adheres; such right, title, and interest to be held and enjoyed by ASSIGNEE, its successors and assigns, to the full end of the term or terms for which any and all such Letters Patent may be granted as fully and entirely as would have been held and enjoyed by ASSIGNOR had this Assignment not been made.

ASSIGNOR HEREBY AUTHORIZES AND REQUESTS the Commissioner of Patents and Trademarks to issue said Letters Patent to ASSIGNEE as assignee of the entire interest, for the sole use and benefit of ASSIGNEE, its successors and assigns.

ASSIGNOR HEREBY AGREES (a) to communicate to ASSIGNEE, its successors and assigns, or their representative or agents, all facts and information known or available to ASSIGNOR respecting said invention or inventions, improvements, and modifications including evidence for interference, reexamination, reissue, opposition, revocation, extension, or infringement purposes or other legal, judicial, or administrative proceedings, whenever requested by ASSIGNEE; (b) to testify in person or by affidavit as required by

Atty. Dkt. No. 041194-0104

ASSIGNEE, its successors and assigns, in any such proceeding in the United States; (c) to execute and deliver, upon request by ASSIGNEE, all lawful papers including, but not limited to, original, divisional, continuation, and reissue applications, renewals, assignments, powers of attorney, oaths, affidavits, and declarations, depositions; and (d) to provide all reasonable assistance to ASSIGNEE, its successors and assigns, in obtaining and enforcing proper title in and protection for said invention or inventions, improvements, and modifications under the intellectual property laws of the United States and countries foreign thereto.

ASSIGNOR HEREBY REPRESENTS AND WARRANTS that ASSIGNOR has the full and unencumbered right to sell, assign, and transfer the interests sold, assigned, and transferred herein, and that ASSIGNOR has not executed and will not execute any document or instrument in conflict herewith.

ASSIGNOR HEREBY GRANTS to the law firm of Foley & Lardner LLP the power and authority to insert in this Assignment any further identification which may be necessary or desirable to comply with the rules of the U.S. Patent and Trademark Office for recordation of this Assignment.

ASSIGNOR UNDERSTANDS AND AGREES that the attorneys and agents of the law firm of Foley & Lardner LLP do not personally represent ASSIGNOR OR ASSIGNOR's legal interests, but instead represent the interests of ASSIGNEE; since said attorneys and agents cannot provide legal advice to ASSIGNOR with respect to this Assignment, ASSIGNOR acknowledges its right to seek its own independent legal counsel.

**NAME AND SIGNATURE OF INVENTOR**NAME: BIRGIT C. HOFMANNSIGNATURE: [Signature]DATE: April 07, 2004**NAME AND SIGNATURE OF WITNESSES**NAME: Ingrid WickelSIGNATURE: [Signature]DATE: April 7, 2004NAME: Chr. KirstSIGNATURE: [Signature]DATE: April 07, 2004

Note: *Prima facie* evidence of execution may optionally be obtained by execution before a U.S. Consul or before a local officer authorized to administer oaths whose authority is proved by a certificate from a U.S. Consul.